

FIFTY-FIRST DAY

(Tuesday, April 6, 1971)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President Pro Tempore.

The roll was called and the following Senators were present:

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Creighton	Schwartz
Grover	Sherman
Hall	Snelson
Harrington	Wallace
Harris	Watson
Herring	Wilson
Hightower	Word

Absent—Excused

Connally

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leave of Absence

Senator Connally was granted leave of absence for today on account of important business on motion of Senator Blanchard.

Message From the House

Hall of the House of Representatives
Austin, Texas,
April 6, 1971.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 188, A bill to be entitled "An Act relating to the sale of goods on both the two consecutive days of Saturday and Sunday on the same premises; amending Section 1, Chap-

ter 15, Acts of the 57th Legislature, 1st Called Session, 1961 (Article 286a, Vernon's Texas Penal Code); providing a severability clause; and declaring an emergency."

H. B. No. 423, A bill to be entitled "An Act relating to the registration of promoters of certain outdoor music festivals and the issuance of permits for and the regulations of certain outdoor musical festivals; providing penalties; and declaring an emergency."

H. B. No. 1041, A bill to be entitled "An Act relating to mental health services; amending Section 2.08, Texas Mental Health and Mental Retardation Act (Article 5547-202, Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 156, A bill to be entitled "An Act relating to the regulation of cosmetologists and hairdressers; creating the Texas Cosmetology Commission; providing definitions, license qualifications, license fees, rules and regulations, procedures for licensing and renewal, and penalties; repealing Chapter 116, Acts of the 44th Legislature, Regular Session, 1935, as amended (Article 734b, Vernon's Texas Penal Code); and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Reports of Standing Committees

Senator Watson submitted the following reports for the Committee on Environment:

H. C. R. No. 30.

S. C. R. No. 8.

S. C. R. No. 9.

Senator Kennard submitted the following report for the Committee on Public Health:

S. B. No. 468.

Senate Bills on First Reading

Senator Word moved that Senate Rule 108 and Section 5 of Article III of the State Constitution be suspended to permit the introduction at this time, the following bills, the provisions of which were explained.

The motion prevailed by the following vote:

Yeas—30

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Creighton	Schwartz
Grover	Sherman
Hall	Snelson
Harrington	Wallace
Harris	Watson
Herring	Wilson
Hightower	Word

Absent—Excused

Connally

The following bills were then introduced, read first time and referred to the Committees indicated:

By Senators Hightower and Watson:

S. B. No. 909, A bill to be entitled "An Act amending Chapter 99, Acts of the 51st Legislature, 1949, as amended (Article 6228b, Vernon's Civil Statutes of Texas) by adding subsection (a-1) to Section 2 to provide for the selection of Death Benefit Plan by qualified members; authorizing the selection of a reduced annuity by Disability Retirees; providing a savings clause; providing for an effective date; and declaring an emergency."

To Committee on Administration.

By Senator Word:

S. B. No. 910, A bill to be entitled "An Act relating to the creation of the Structural Pest Control Board and providing for the licensing and regulation of persons engaged in the business of structural pest control; providing for severability; and declaring an emergency."

To Committee on State Affairs.

By Senator Christie:

S. B. No. 911, A bill to be entitled "An Act amending Subsections (b) and (d), Section 3, Chapter 63, Acts of the 59th Legislature, Regular Session, 1965, as amended (Article 1269j-4.1, Vernon's Texas Civil Stat-

utes), relating to hotel room occupancy tax; adding Sections 3a, 3b, 3c, and 3d to Chapter 63, authorizing and validating certain ordinances and taxes on the cost of occupancy of hotel sleeping rooms; authorizing certain uses of occupancy tax revenue; requiring that a portion of occupancy tax revenue be reserved for certain purposes; defining certain terms; and declaring an emergency."

To Committee on State Affairs.

House Bills and Resolutions on First Reading

The following bills and resolutions received from the House, were read the first time and referred to the Committees indicated:

H. B. No. 19, To Committee on Water and Conservation.

H. B. No. 30, To Committee on Military and Veterans Affairs.

H. B. No. 83, To Committee on Agriculture and Livestock.

H. B. No. 175, To Committee on Jurisprudence.

H. B. No. 190, To Committee on County, District and Urban Affairs.

H. B. No. 259, To Committee on County, District and Urban Affairs.

H. B. No. 290, To Committee on Parks and Wildlife.

H. B. No. 368, To Committee on County, District and Urban Affairs.

H. B. No. 420, To Committee on Parks and Wildlife.

H. B. No. 441, To Committee on Water and Conservation.

H. B. No. 483, To Committee on State Affairs.

H. B. No. 491, To Committee on Water and Conservation.

H. B. No. 492, To Committee on Water and Conservation.

H. B. No. 494, To Committee on Water and Conservation.

H. B. No. 496, To Committee on Water and Conservation.

H. B. No. 524, To Committee on County, District and Urban Affairs.

H. B. No. 555, To Committee on Water and Conservation.

H. B. No. 586, To Committee on Parks and Wildlife.

H. B. No. 620, To Committee on Parks and Wildlife.

H. B. No. 655, To Committee on Parks and Wildlife.

H. B. No. 722, To Committee on Parks and Wildlife.

H. B. No. 824, To Committee on Parks and Wildlife.

H. B. No. 955, To Committee on State Departments and Institutions.

H. B. No. 971, To Committee on Water and Conservation.

H. B. No. 988, To Committee on Water and Conservation.

H. B. No. 989, To Committee on Water and Conservation.

H. C. R. No. 58, To Committee on State Departments and Institutions.

H. C. R. No. 96, To Committee on State Departments and Institutions.

Report of Standing Committee

By unanimous consent, Senator Hightower submitted the following report for the Committee on Administration:

S. B. No. 909.

Message From the House

Hall of the House of Representatives
Austin, Texas,
April 6, 1971.

Hon Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. No. 71, In memory of J. Warren Hitt.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives
Senate Bill 909 Ordered Not Printed

On motion of Senator Watson and by unanimous consent, S. B. No. 909 was ordered not printed.

Conference Committee on House Bill 198

Senator Wallace called from the President's table for consideration at this time, the request of the House for a Conference Committee to adjust the differences between the two Houses on H. B. No. 198 and moved that the request be granted.

The motion prevailed.

The President Pro Tempore asked if there were any motions to instruct the Conference Committee on H. B. No. 198 before appointment.

There were no motions offered.

Accordingly, the President Pro Tempore announced the appointment by the President of the following conferees on the part of the Senate on the bill: Senators Wallace, Jordan, Mauzy, McKool and Kothmann.

Conference Committee on Senate Bill 27

The President Pro Tempore asked if there were any motions to instruct the Conference Committee on S. B. No. 27 before appointment.

There were no motions offered.

Accordingly, the President Pro Tempore announced the appointment by the President of the following conferees on the part of the Senate on the bill: Senators Brooks, Bernal Kothmann, Patman and Wallace.

(President in Chair.)

Senate Bill 895 on Second Reading

On motion of Senator Aikin and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 805, A bill to be entitled "An Act authorizing the Department of Public Welfare to transfer and spend funds for the Aid to Families with Dependent Children Program; and declaring an emergency."

The bill was read second time.

Senator Aikin offered the following Committee Amendment to the bill:

Amend S. B. No. 895 by striking out Section 1 and inserting in lieu thereof a new Section 1 to read as follows:

Section 1. In addition to the sums previously made available from all sources to the Department of Public Welfare, said Department is hereby authorized to transfer and to spend for assistance grants under the Aid to Families with Dependent Children Program such sums as may be necessary, not to exceed eight million, two hundred thousand dollars (\$8,200,000) from any funds available to the Department, and such funds are hereby appropriated for the remainder of the fiscal year ending August 31, 1971. Provided, however, the Constitutional limitation on public assistance grants shall not be exceeded.

The Committee Amendment was read and was adopted.

On motion of Senator Aikin and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

Senate Bill 895 on Third Reading

Senator Aikin moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that S. B. No. 895 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Creighton	Schwartz
Grover	Sherman
Hall	Snelson
Harrington	Wallace
Harris	Watson
Herring	Wilson
Hightower	Word

Absent—Excused

Connally

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Creighton	Schwartz
Grover	Sherman
Hall	Snelson
Harrington	Wallace
Harris	Watson
Herring	Wilson
Hightower	Word

Absent—Excused

Connally

Committee Substitute Senate Bill 134 on Second Reading

On motion of Senator Patman and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C. S. S. B. No. 134, A bill to be entitled "An Act relating to the testing of milk; amending Article 5736a, Revised Civil Statutes of Texas, 1925, as amended; creating a Dairy Advisory Board; providing a hearing and appeal provision; providing a severability clause; and declaring an emergency."

The bill was read second time and passed to engrossment.

Committee Substitute Senate Bill 134 on Third Reading

Senator Patman moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that C. S. S. B. No. 134 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Creighton	Schwartz
Grover	Sherman
Hall	Snelson
Harrington	Wallace
Harris	Watson
Herring	Wilson
Hightower	Word

Absent—Excused

Connally

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Creighton	Schwartz
Grover	Sherman
Hall	Snelson
Harrington	Wallace
Harris	Watson
Herring	Wilson
Hightower	Word

Absent—Excused

Connally

Senate Bill 909 on Second Reading

Senator Hightower moved that Senate Rules 13, 30 and 36 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 909 be placed on its second reading and passage to engrossment, and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Creighton	Schwartz
Grover	Sherman
Hall	Snelson
Harrington	Wallace
Harris	Watson
Herring	Wilson
Hightower	Word

Absent—Excused

Connally

The President then laid before the Senate on its second reading and passage to engrossment the following bill:

S. B. No. 909, A bill to be entitled "An Act amending Chapter 99, Acts of the 51st Legislature, 1949, as amended (Article 6228b, Vernon's Civil Statutes of Texas), by adding subsection (a-1) to section 2 to provide for the selection of Death Benefit Plan by qualified members; authorizing the selection of a reduced annuity by Disability Retirees; providing a savings clause; providing for an effective date; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 909 on Third Reading

The Constitutional Rule requiring bills to be read on three several days having been suspended the President laid S. B. No. 909 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Creighton
Bates	Grover
Beckworth	Hall
Bernal	Harrington
Blanchard	Harris
Bridges	Herring
Brooks	Hightower
Christie	Jordan

Kennard	Schwartz
Kothmann	Sherman
Mauzy	Snelson
McKool	Wallace
Moore	Watson
Patman	Wilson
Ratliff	Word

Absent—Excused

Connally

Bills and Resolutions Signed

The President signed in the presence of the Senate after the caption had been read the following enrolled bills and resolutions:

S. B. No. 108 (Signed, subject to provisions of Section 49a. Article III, of the Constitution.

S. B. No. 319.

S. B. No. 373.

S. B. No. 318.

S. B. No. 278.

S. B. No. 235.

S. C. R. No. 31.

S. C. R. No. 59.

H. C. R. No. 94.

Senate Bill 522 on Second Reading

On motion of Senator Aikin and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 522, A bill to be entitled "An Act transferring funds previously appropriated to the Board of Pardons and Paroles from one appropriation item to another; and declaring an emergency."

The bill was read second time and passed to engrossment.

Senate Bill 522 on Third Reading

Senator Aikin moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that S. B. No. 522 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Creighton	Schwartz
Grover	Sherman
Hall	Snelson
Harrington	Wallace
Harris	Watson
Herring	Wilson
Hightower	Word

Absent—Excused

Connally

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Creighton	Schwartz
Grover	Sherman
Hall	Snelson
Harrington	Wallace
Harris	Watson
Herring	Wilson
Hightower	Word

Absent—Excused

Connally

Reports of Standing Committees

By unanimous consent, Senator Creighton submitted the following report for the Committee on Water and Conservation:

H. B. No. 971.

By unanimous consent, Senator Wilson submitted the following reports for the Committee on Constitutional Amendments:

S. J. R. No. 29.

S. J. R. No. 38.

S. J. R. No. 42.

S. J. R. No. 25.

By unanimous consent, Senator Watson submitted the following reports for the Committee on Environment:

S. B. No. 834.

S. B. No. 835.

S. B. No. 836.

C. S. S. B. No. 428 (Read first time).

S. B. No. 192 (Amended).

Senate Bill 76 on Second Reading

On motion of Senator Wilson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 76, A bill to be entitled "An Act relating to the dumping or otherwise disposing of trash, junk, garbage, refuse, unsightly matter, and other solid waste on highways, rights-of-ways, public and private property, or into any inland or coastal waters of Texas; providing a penalty; and declaring an emergency."

The bill was read second time and passed to engrossment.

Senate Bill 76 on Third Reading

Senator Wilson moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that S. B. No. 76 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Christie
Bates	Creighton
Beckworth	Grover
Bernal	Hall
Blanchard	Harrington
Bridges	Harris
Brooks	Herring

Hightower	Ratliff
Jordan	Schwartz
Kennard	Sherman
Kothmann	Snelson
Mauzy	Wallace
McKool	Watson
Moore	Wilson
Patman	Word

Absent—Excused

Connally

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Creighton	Schwartz
Grover	Sherman
Hall	Snelson
Harrington	Wallace
Harris	Watson
Herring	Wilson
Hightower	Word

Absent—Excused

Connally

Senate Bill 20 on Second Reading

Senator Bates moved to suspend the regular order of business and take up S. B. No. 20 for consideration at this time.

The motion prevailed.

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 20, A bill to be entitled "An Act defining certain words and terms as used herein; requiring that school districts of this State, as herein defined, employ teachers by probationary contract or by a professional-status renewable-term contract as herein defined, under the circumstances and procedures and with the terms, provisions, and consequences herein prescribed; etc.; and declaring an emergency."

The bill was read second time.

Senator Bates offered the following Committee Amendment to the bill:

Amend S. B. 20, Section 8, Subsection 2, by striking Subsection 2 and substituting in lieu thereof the following:

"2. Any teacher holding any type of employment contract may resign, with the consent of the Board of Trustees of the employing school district, at any date mutually agreeable to the teacher and the board of trustees, provided further that any teacher holding any type of contract who is officially advised after June 30 of a change in teaching assignments may resign without penalty within 10 days after receiving said notification."

The Committee Amendment was read and was adopted.

On motion of Senator Bates and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

Record of Votes

Senators Word and Moore asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

Senate Bill 20 on Third Reading

Senator Bates moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that S. B. No. 20 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Hightower
Bates	Jordan
Beckworth	Kennard
Bernal	Kothmann
Bridges	Mauzy
Brooks	McKool
Christie	Patman
Creighton	Ratliff
Grover	Schwartz
Hall	Sherman
Harrington	Snelson
Harris	Wallace
Herring	Watson

Wilson

Nays—3

Blanchard Word
Moore

Absent—Excused

Connally

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Votes

Senators Word and Moore asked to be recorded as voting "Nay" on the final passage of the bill.

Committee Substitute Senate Bill 244 on Second Reading

The President laid before the Senate as unfinished business:

C. S. S. B. No. 244, with an amendment by Senator Patman pending.

Question—Shall the amendment by Senator Patman to C. S. S. B. No. 244 be adopted?

Senator Kennard moved to table the amendment.

The motion to table was lost.

Question recurring on the adoption of the amendment, the amendment failed of adoption by the following vote:

Yeas—9

Aikin	Ratliff
Beckworth	Schwartz
Christie	Snelson
Grover	Word
Patman	

Nays—21

Bates	Jordan
Bernal	Kennard
Blanchard	Kothmann
Bridges	Mauzy
Brooks	McKool
Creighton	Moore
Hall	Sherman
Harrington	Wallace
Harris	Watson
Herring	Wilson
Hightower	

Absent—Excused

Connally

The bill was passed to engrossment by the following vote:

Yeas—21

Bates	Hightower
Bernal	Jordan
Blanchard	Kennard
Bridges	Kothmann
Brooks	McKool
Christie	Moore
Creighton	Sherman
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	

Nays—9

Aikin	Ratliff
Beckworth	Schwartz
Grover	Snelson
Mauzy	Word
Patman	

Absent—Excused

Connally

Committee Substitute
Senate Bill 244 on Third Reading

Senator Kennard moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C. S. S. B. No. 244 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

Bates	Hightower
Beckworth	Jordan
Bernal	Kennard
Blanchard	Kothmann
Bridges	Mauzy
Brooks	McKool
Christie	Moore
Creighton	Sherman
Hall	Snelson
Harrington	Wallace
Harris	Watson
Herring	Wilson

Nays—6

Aikin	Ratliff
Grover	Schwartz
Patman	Word

Absent—Excused

Connally

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—20

Bates	Herring
Bernal	Hightower
Blanchard	Jordan
Bridges	Kennard
Brooks	Kothmann
Christie	McKool
Creighton	Sherman
Hall	Wallace
Harrington	Watson
Harris	Wilson

Nays—10

Aikin	Patman
Beckworth	Ratliff
Grover	Schwartz
Mauzy	Snelson
Moore	Word

Absent—Excused

Connally

Senate Bill 232 on Second Reading

Senator Herring asked unanimous consent to suspend the regular order of business and take up S. B. No. 232 for consideration at this time.

There was objection.

Senator Herring then moved to suspend the regular order of business to take up S. B. No. 232 for consideration at this time.

The motion prevailed.

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 232, A bill to be entitled "An Act amending Section 3, Article 8280-107, Vernon's Revised Civil Statutes, repealing Section 3a, Article 8280-107, Vernon's Revised Civil Statutes, affecting the appointment of members of the Board of Directors of the Lower Colorado River Authority; and declaring an emergency."

The bill was read second time.

Senator Patman moved to postpone further consideration of the bill until 11:00 o'clock a.m. on Tuesday, May 25, 1971.

The motion to postpone was lost by the following vote:

Yeas—3

Hall	Schwartz
Patman	

Nays—27

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Ratliff
Christie	Sherman
Creighton	Snelson
Grover	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

Absent—Excused

Connally

Question—Shall S. B. No. 232 be passed to engrossment?

Message From the House

Hall of the House of Representatives
Austin, Texas,
April 6, 1971.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 266, A bill to be entitled "An Act amending the subject matter of the Texas Unemployment Compensation Act, as amended (Articles 5221b-1 et seq, Vernon's Texas Civil Statutes), as follows: Amending Section 3, providing benefits; adding a Section 4-A, providing prohibitions against denial of benefits; amending Section 5, providing disqualifications for benefits; adding a Section 6-A, providing for extended benefits; amending Section 7, providing contributions; adding Section 7-A, providing reimbursements; amending Section 8, providing duration of cov-

erage and elections; amending Section 15, providing protection of rights and benefits; amending Section 17-A, providing reciprocal agreements; amending Section 19, providing definitions of terms and adding additional definitions of terms; providing an effective date for this Act; providing for the repeal of all laws and parts of laws in conflict herewith and for preserving rights accrued thereunder; providing for the severability of provisions; and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Notice of Executive Session

Senator Christie gave notice that he would move for an Executive Session at 11:30 o'clock a.m. tomorrow.

Reports of Standing Committee

By unanimous consent, Senator Brooks submitted the following reports for the Committee on State Departments and Institutions:

S. C. R. No. 50.

S. B. No. 665.

S. B. No. 889.

S. B. No. 829.

S. B. No. 830.

Recess

On motion of Senator Aikin the Senate at 11:59 o'clock a.m. took recess until 1:00 o'clock p.m. today.

After Recess

The Senate met at 1:00 o'clock p.m. and was called to order by the President Pro Tempore.

Local and Uncontested Bills Calendar

The President Pro Tempore announced that the time had arrived for the consideration of the Local and Uncontested Bills Calendar in accordance with a motion previously adopted by the Senate.

The following Members were present and voting:

Aikin	Blanchard
Bates	Bridges
Beckworth	Brooks
Bernal	Christie

Creighton	McKool
Grover	Moore
Hall	Patman
Harrington	Ratliff
Harris	Schwartz
Herring	Sherman
Hightower	Snelson
Jordan	Wallace
Kennard	Watson
Kothmann	Wilson
Mauzy	Word

Absent—Excused

Connally

The following bills were laid before the Senate, read second time, passed to engrossment, read third time and passed. (Sponsor, vote on suspension of Constitutional Three-Day Rule and final passage indicated after each bill):

S. B. No. 39 (Harrington)—(30-0) (30-0).

S. B. No. 71 (McKool)—(29-1, Watson "Nay") (29-1, Watson "Nay").

S. B. No. 130 (Brooks)—(30-0) (30-0).

S. B. No. 133 (Hall)—(30-0) (30-0).

S. B. No. 154 (Mauzy)—(30-0) (30-0).

S. B. No. 161 (McKool)—(29-1, Watson "Nay") (29-1, Watson "Nay").

S. B. No. 168 (Brooks)—(30-0) (30-0).

S. B. No. 252 (Creighton)—(30-0) (30-0).

S. B. No. 254 (Christie)—(30-0) (30-0).

S. B. No. 259 (Harrington)—(30-0) (30-0).

C. S. S. B. No. 272 (Creighton)—(30-0) (30-0).

S. B. No. 329 (Bridges)—(30-0) (30-0).

S. B. No. 357 (Mauzy)—(30-0) (30-0).

S. B. No. 360 (Watson)—(30-0) (30-0).

S. B. No. 371 (Brooks)—(30-0) (30-0).

C. S. S. B. No. 398 (Watson)—(30-0) (30-0).

S. B. No. 410 (Mauzy)—(30-0) (30-0).

S. B. No. 424 (Patman)—(30-0) (30-0).

S. B. No. 425 (Patman)—(30-0) (30-0).

S. B. No. 437 (Watson)—(30-0) (30-0).

S. B. No. 442 (Mauzy)—(30-0) (30-0).

S. B. No. 448 (Creighton)—(30-0) (30-0).

S. B. No. 449 (McKool)—(30-0) (30-0).

S. B. No. 457 (Watson)—(30-0) (30-0).

S. B. No. 533 (Herring)—(29-1, Watson "Nay") (29-1, Watson, "Nay").

S. B. No. 622 (Kennard)—(30-0) (30-0).

S. B. No. 652 (Brooks)—(30-0) (30-0).

S. B. No. 713 (Schwartz)—(30-0) (30-0).

S. B. No. 725 (Watson)—(30-0) (30-0).

S. B. No. 729 (Harrington)—(30-0) (30-0).

S. B. No. 755 (Herring)—(30-0) (30-0).

S. B. No. 759 (Kennard)—(30-0) (30-0).

S. B. No. 772 (Hall)—(30-0) (30-0).

S. B. No. 805 (Patman)—(30-0) (30-0).

S. B. No. 814 (Schwartz)—(30-0) (30-0).

S. B. No. 819 (Schwartz)—(30-0) (30-0).

S. B. No. 884 (Patman)—(30-0) (30-0).

S. C. R. No. 20 (Kothmann)—(30-0).

The following bills were laid before the Senate, read second time, amended, passed to engrossment, read third

time and passed: (Amendment(s) printed following bill number, as well as vote on suspension of Constitutional Three-Day Rule and final passage):

S. B. No. 211 (Schwartz)—

Senator Schwartz offered the following amendment to the bill:

Amend Section 1, S. B. 211, to read as follows:

"Section 1. '(C) The county judge may name or appoint an assistant or assistants, which assistant or assistants may be employed by the county in another capacity, to help perform duties formerly performed by the board of school trustees and the county school superintendent, and the salary for such assistant or assistants and all necessary office and travel expenses relating to the performance of duties by such assistant or assistants and the county judge shall be paid from the County Available School Fund; provided that the total amount of salary and office and travel expenses paid from the County Available School Fund shall not exceed \$5,000.'"

The amendment was read and was adopted.

On motion of Senator Schwartz and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (30-0) (30-0).

S. B. No. 372 (Kennard)—

Senator Kennard offered the following amendment to the bill:

Amend S. B. 372 by striking Sec. 6 and substituting in lieu thereof the following:

"Sec. 6 (a) The Texas Parks and Wildlife Department may prescribe reasonable rules and regulations for the taking, possessing, time and area from which raptors may be taken, species that may be taken, and provide standards for possessing and housing raptors held under Falconer's Permit, annual reporting requirements and procedures, and prescribe eligibility requirements pursuant to receiving any Falconers' Permit.

(b) The Department shall give particular attention to those raptors classified as 'rare' or 'endangered' by the United States Bureau of Sports, Fisheries and Wildlife, and shall insure that the taking and possessing for

falconry purposes of such raptors be restricted to competent and experienced individuals, and only in such numbers as are consistent with good management practices and the then current population status of the individual species or sub-species involved.

(c) The Department, further, shall establish an 'advisory board' consisting of three mature and experienced falconers selected from among nominees submitted by the Texas Hawking Association, the North American Falconers Association, and from among any unaffiliated resident falconers. The purpose of this board shall be to advise the Department as required on the development and implementation of the rules and regulations prescribed under this section."

The amendment was read and was adopted.

On motion of Senator Kennard and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (30-0) (30-0).

S. B. No. 413 (Bates)—

Senator Bates offered the following Committee Amendment to the bill:

Amend the last sentence of Section 4(6) so as to read as follows:

"It is expressly provided, however, that the power of eminent domain herein conferred shall extend only to property or interests therein lying within Cameron County."

The Committee Amendment was read and was adopted.

Senator Bates offered the following Committee Amendment to the bill:

Amend the first sentence of Section 6(g) so as to read as follows:

"From the proceeds of sale of any bonds issued hereunder, the district may appropriate or set aside amounts for the payment of interest expected to accrue during the period of construction, but not to exceed three years, amounts to be deposited into the reserve funds or fund (all as may be provided in the bond resolution or resolutions), and any amounts necessary to pay all expenses incurred and to be incurred in the issuance, sale and delivery of the bonds."

The Committee Amendment was read and was adopted.

Senator Bates offered the following amendment to the bill:

Amend Senate Bill 413 by removing the words "Hidalgo County" and inserting in lieu thereof the words "Cameron County" wherever they appear in the body of the bill.

The amendment was read and was adopted.

On motion of Senator Bates and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (30-0) (30-0).

S. B. No. 450 (McKool)—

Senator McKool offered the following amendment to the bill:

Amend S. B. No. 450 by:

(1) adding to the caption immediately preceding the phrase "and declaring an emergency" the phrase "amending Sections 1-3, Chapter 11, Acts of the 57th Legislature, 1961, as amended (Article 6819a-26, Vernon's Texas Civil Statutes);";

(2) renumbering Section 2 as Section 3 by adding a new Section 2 to read as follows:

"Sec. 2. Sections 1-3, Chapter 11, Acts of the 57th Legislature, 1961, as amended (Article 6819a-26, Vernon's Texas Civil Statutes), are amended to read as follows:

"Section 1. In addition to the compensation provided by law and paid by the State of Texas, the commissioners court of any county having a population of not less than five hundred thousand (500,000), and not more than eight hundred thousand (800,000) persons, according to the last preceding federal census, shall pay the sum of Twelve Thousand Dollars (\$12,000) per annum, to be paid out of the general fund of any such county, in equal monthly installments, to each of the judges of the district courts and of the criminal district courts whose districts are comprised solely of any such county, for all services rendered to the county and for performing administrative duties.

"Section 2. The compensation provided for in Section 1 hereof shall be in addition to all other compensation paid, or authorized to be paid, to each judge of the District Courts and of the Criminal District Courts of any such county, by the State of Texas,

and shall be in lieu of all other compensation for services heretofore allowed to be received by district judges from any such county.

"Section 2a. If the Chief Probation Officer of any such county serves as Secretary to the Juvenile Board of the county, he may receive as compensation for this additional service the sum of One Thousand Dollars (\$1,000) per year, such amount to be paid in addition to his regular salary.

"Section 3. Any district judge of the State of Texas who may be assigned to sit for any one (1) of the judges of the District Courts or of the Criminal District Courts of any such county, under the provisions of Chapter 156, Acts of the 40th Legislature, 1927, as amended (Article 200a, Vernon's Texas Civil Statutes), or Chapter 99, Acts of the 51st Legislature, 1949, as amended (Article 6228b, Vernon's Texas Civil Statutes), may, while so serving, receive in addition to his necessary expenses, additional compensation from county funds, in an amount to be set by the Commissioners Court of any such county not to exceed the difference between the pay of such visiting judge from all sources and the pay received from all sources by the district judges in any such county, such amount to be paid by the county upon approval of the presiding judge of the Administrative Judicial District in which said court is located."

The amendment was read and was adopted.

On motion of Senator McKool and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (30-0) (30-0).

S. B. No. 592 (Harrington)—

Senator Harrington offered the following Committee Amendment to the bill:

Amend S. B. No. 592, Sec. 1, line 2, by deleting the figures "71,000" and inserting in lieu thereof the figure "71,100."

The Committee Amendment was read and was adopted.

On motion of Senator Harrington and by unanimous consent, the caption was amended to conform to the

body of the bill as amended. (30-0) (30-0).

S. B. No. 593 (Harrington)—

Senator Harrington offered the following Committee Amendment to the bill:

Amend S. B. 593, Section 1, line 2 by deleting the figure 71,000 and inserting in lieu thereof the figures 71,100.

The Committee Amendment was read and was adopted.

Senator Harrington offered the following amendment to the bill:

Amend Senate Bill 593, Sec. 1, line 2, by deleting the figure 71,000 and inserting in lieu thereof the figure 71,100.

Also in Sec. 2, line 2, delete the figures 70,000 and 70,400 and insert in lieu thereof the figures 71,100 and 71,400.

The amendment was read and was adopted.

On motion of Senator Harrington and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (30-0) (30-0).

S. B. No. 602 (Watson)—

Senator Watson offered the following Committee Amendment to the bill:

Amend S. B. 602, Section 6, Line 48, Page 3 of the printed bill by striking the words "Dean of Agriculture, Texas A&M University" and substituting in lieu thereof the following words: "Deans of Agriculture, Texas A&M University and Texas Tech University,"

The Committee Amendment was read and was adopted.

Senator Schwartz offered the following amendment to the bill:

Amend S. B. 602, Section 1, by adding after subsection (5) of subsection A a new subsection (6) to read as follows:

"(6) Any economic pesticide to any person other than the ultimate consumer without keeping a record of

the following facts and mailing such record for public availability to the Commissioner within thirty days after the end of the calendar month in which each such sale is made."

"(a) The name and address of the manufacturer, registrant, or person for whom manufactured;

"(b) The name, brand or trademark under which said article is sold;

"(c) The net weight or measure of the quantity of the article sold;

"(d) The ingredient statement as provided for in Section 2C of this Act;

"(e) The county or municipality to which such article is destined to be delivered."

The amendment was read and was adopted.

On motion of Senator Watson and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (30-0) (30-0).

S. B. No. 808 (Schwartz)—

Senator Schwartz offered the following Committee Amendment to the bill:

Amend Section 1, S. B. 808, by striking all of Section 1 and substituting therefor the following:

"Section 1. The commissioners court of any county in this state with a population of more than 160,000 and less than 175,000 according to the last preceding Federal census may fix the amount of compensation to be paid to any county officer or employee paid wholly from county funds whose salary is not fixed by the Legislature."

The Committee Amendment was read and was adopted.

On motion of Senator Schwartz and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (30-0) (30-0).

S. B. No. 827 (Watson)—

Senator Watson offered the following Committee Amendment to the bill:

Amend Senate Bill 827 by adding thereto a paragraph as follows:

"It is further provided that notwithstanding any other provision of statute to the contrary, a rate or premium in excess of the standard rate or premium that has been pro-

mulgated or approved by the Board may be used on any specific risk of a Motor Bus Company as defined by Article 911a of the Revised Civil Statutes of Texas and a Motor Carrier, Contract Carrier and Specialized Motor Carrier as defined by Article 911b of the Revised Civil Statutes of Texas if (1) a written application is made to the Board naming the insurer and stating the coverage and rate proposed, (2) the person to be insured or person in relation to the risk to be insured consents to such rate, (3) the reasons for requiring such excess rate or premium are stated in or attached to the application, (4) the person to be insured or person authorized to act for such person signs the application, and (5) the Board approves the application by order or by stamping."

The Committee Amendment was read.

Senator Watson offered the following amendment for the pending Committee Amendment:

Amend Section 1 of Senate Bill 827 by inserting in lieu thereof the following:

"Section 1. Article 5.03, Texas Insurance Code, is hereby amended to read as follows:

"Art. 5.03. On and after the filing and effective date of such classification of such risks and rates, no such insurer shall issue or renew any such insurance at premium rates which are greater or less than, or different from, those approved by the Board as just, reasonable, and adequate for the risks to which they respectively apply, and not confiscatory as to any class of insurance carriers authorized by law to write such insurance.

"It is expressly provided, however, that notwithstanding any other provision of this Chapter to the contrary, a rate or premium for such insurance in excess of the standard rate or premium that has been promulgated or approved by the Board may be used on any specific risk if (1) a written application is made to the Board naming the insurer and stating the coverage and rate proposed, (2) the person to be insured or person in relation to the risk to be insured consents to such rate, (3) the reasons for requiring such excess rate or premium are stated in or attached to the application, (4) the person to be

insured or person authorized to act for such person signs the application, and (5) the Board approves the application by order or by stamping; provided, however, that this paragraph shall not be applicable to an automobile owned by an individual or owned jointly by two or more relatives who are residents in the same household if such automobile is identified and rated by the State Board of Insurance as a private passenger automobile or is a farmer's truck with a low capacity, but this provision of inapplicability does not limit necessary rating exceptions or current rating practices.

"It is further provided that notwithstanding any other provision of statute to the contrary, a rate or premium in excess of the standard rate or premium that has been promulgated or approved by the Board may be used on any specific risk of a Motor Bus Company as defined by Article 911a of the Revised Civil Statutes of Texas and a Motor Carrier, Contract Carrier and Specialized Motor Carrier as defined by Article 911b of the Revised Civil Statutes of Texas if (1) a written application is made to the Board naming the insurer and stating the coverage and rate proposed, (2) the person to be insured or person in relation to the risk to be insured consents to such rate, (3) the reasons for requiring such excess rate or premium are stated in or attached to the application, (4) the person to be insured or person authorized to act for such person signed the application, and (5) the Board approves the application by order or by stamping."

The substitute for the Committee Amendment was read and was adopted.

The Committee Amendment as substituted was then adopted.

On motion of Senator Watson and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (30-0) (30-0).

Conclusion of Session for Consideration of Local and Uncontested Bills Calendar

The President Pro Tempore announced that the session for the consideration of the Local and Uncontested Bills Calendar was concluded.

Message From the House

Hall of the House of Representatives
Austin, Texas,
April 6, 1971.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 105, Commending the Central Park Lions Club of San Antonio for an outstanding record of service to San Antonio and to the State.

H. B. No. 926, A bill to be entitled "An Act relating to the establishment of the Nueces County Juvenile Board and the juvenile probation department; maintaining in office those persons serving as juvenile officers on the effective date of this Act; and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Welcome and Congratulatory Resolutions

S. R. No. 904—By Senators Creighton and Herring: Extending best wishes to Mr. and Mrs. Jerry Craft and their son, Clint Creighton Craft.

S. R. No. 905—By Senator Hall: Extending congratulations to Robert Taylor on his birthday.

S. R. No. 906—By Senator Mauzy: Designating Paul Keinarth as honorary page.

S. R. No. 907—By Senator Watson: Extending welcome to Honorable Bob Thomas.

S. R. No. 908—By Senator Kothmann: Extending welcome to teachers from Harlandale Independent School District.

S. R. No. 909—By Senator Watson: Extending welcome to Fred Punchard.

S. R. No. 910—By Senator Snelson: Extending welcome to Girl Scout Troop No. 138 of Midland, with sponsors.

S. R. No. 911—By Senator McKool: Extending welcome to Nancy and Gene Blackmore.

S. R. No. 912—By Senator McKool: Extending welcome to Julie Bryan and Betty Hejl.

S. R. No. 913—By Senator Watson: Extending welcome to Mr. and Mrs. Bill Punchard, et al.

Adjournment

On motion of Senator Herring the Senate at 1:50 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

APPENDIX**Sent to Governor
April 6, 1971**

S. B. No. 108
S. B. No. 235
S. B. No. 278
S. B. No. 318
S. B. No. 373.
S. B. No. 319
S. C. R. No. 31
S. C. R. No. 59

FIFTY-SECOND DAY

(Wednesday, April 7, 1971)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President Pro Tempore.

The roll was called and the following Senators were present:

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Brooks	Moore
Christie	Patman
Creighton	Ratliff
Grover	Schwartz
Hall	Sherman
Harrington	Snelson
Harris	Wallace
Herring	Watson
Hightower	Word

Absent—Excused

Bridges	Wilson
Connally	